

DANIEL A. HOROWITZ State Bar No. 92400
Attorney at Law
P.O. Box 1547
Lafayette, California 94549
(925) 283-1863

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SAVAGE,
aka (Michael Weiner)

No. C 07-06076SI

Plaintiff,

vs.

Counsel on American-Islamic
Relations, Inc., Council on
American Islamic Relations
Action Network Inc., Council on
American Islamic Relations
of Santa Clara Inc., and Does
3-100

Defendants.

1st AMENDED COMPLAINT FOR DAMAGES

FIRST CAUSE OF ACTION
(Trademark Infringement)

THE PARTIES

1.

Michael Weiner is the radio show star of The Michael Savage Show” where he uses the name “Michael Savage”. He is hereinafter referred to as “Michael Savage” as this is the name used in the public arena. Michael Savage is the owner of copyright interests in his show, “The Michael Savage Show” also known as “The Savage Nation”.

2.

“The Savage Nation” is a nationally syndicated radio show that reaches over eight million listeners per week. Related to that show is the website www.MichaelSavage.com which receives 2.3 million page views per month. The radio show originates in San Francisco, California.

3.

“The Savage Nation” is unique among so-called “Talk Radio” in that it combines serious intellectual analysis with dramatic and emotional soul baring that the show advertises as “Psychological Nudity”. This performance aspect of the show is critical in that it conveys an emotional power and a fundamental honesty to the programming that is meaningful to the listening audience.

4.

There are segments of the show that are as lyrical and as emotionally powerful as live theater, poetry, rap music or other genres where a performer

1 combines social commentary with powerful performance. In fact the start of show
2 always begins with the admonishment:

3 "Warning: This show contains adult language, adult content,
4 psychological nudity. Listener discretion is advised."

5 5.

6 Those millions who continue to listen understand that they are hearing radio
7 that is as cutting, raw, emotional and fundamentally honest as any programming
8 that has ever existed on the airwaves.
9

10 6.

11 Defendants are part of a deliberately complex and deliberately confusing
12 array of related organizations which in general operate under the name "Council
13 on American Islamic Relations" aka "CAIR". In fact, these names are often
14 modifications of the true name of the corporate entities.

15 7.

16 The originally named defendant in this lawsuit is the Council on American
17 Islamic Relations aka CAIR. Such a group exists in Texas and has been served as
18 being the same Council on American Islamic Relations aka CAIR as is involved in
19 the actions alleged herein. This group despite being one of the few "CAIR"
20 groups having the name "Council on American Islamic Relations" is paradoxically
21 not named as a Chapter of the group on the website that purports to be that of the
22 very same Council on American Islamic Relations aka CAIR.
23

24 8.

25 This particular "CAIR" group is headquartered in Garland, Texas. During
26 the years 1998 and 2001, at least three members of the board of directors of the
27 Holy Land foundation were from Sherman, Richardson and Garland, Texas.
28

1 Richardson, Texas is less than 10 miles from Garland. The same Ghassan Eliashi
2 who is a member of the board of the Holy Land Foundation was also a founder of
3 the CAIR group in Garland, Texas.

4 9.

5 The self-proclaimed leaders of the Council on American Islamic Relations
6 aka CAIR operates out of Washington, D.C. and where the actual name of the
7 corporation is Council on American Islamic Relations Action Network aka CAIR.
8 Therefore, Doe 2 is named herein as the Council on American Islamic Relations
9 Action Network, Inc. aka CAIR. However, in its IRS Form 990 filing in 2005, the
10 group used the corporate name, Council on American Islamic Relations and not
11 Council on American Islamic Relations Action Network.
12

13 10.

14 The copyright infringing audio segment is contained on a website which
15 purports to be that of the organization CAIR. The website address is
16 www.cair.com. Www.cair.com is owned and controlled by Doe 3, Council on
17 American Islamic Relations of Santa Clara, Inc. The content of the website
18 consistently relates to the activities Washington, D.C. based Council on American
19 Islamic Relations Action Network but it never refers to any corporate name.
20 Therefore, plaintiff has added the Santa Clara based "CAIR" group as a defendant.
21

22 11.

23 Plaintiff alleges that each of the named defendants, others unknown and
24 Does 3-100 acted in concert and in conspiracy to accomplish the matters set forth
25 in the complaint.
26
27
28

12.

Plaintiff further alleges that the decentralized organizational structure, the shared use of the name CAIR and the substitution of the name Council on American Islamic Relations for the proper name of the District of Columbia based group, Council on American Islamic Relations Action Network is part of a plan and design created to cause confusion and to hide the actual relationships between the entities. When alleging actions taken in support of the conspiracy, CAIR is referred to generically (as "CAIR"). If the actions of a specific subgroup are particularly relevant, the individualized entity will be identified.

13.

This organizational structure is part of the scheme to hide the illegal activities of the group, funding, the transfer of funds and to complicate investigation of the organization

14.

This cell type structure creates problems for law enforcement and others to trace the activities of the organization. It is part of the overall plan of defendants and each of them to avoid detection of their funding and to avoid detection of the nature and scope of their activities.

15.

This same confusion and deception has been used by the Council on American Islamic Relations Action Network in the United States District Court. In No. 3:04-CR-240 in the United States District Court, Northern District of Texas, Dallas Division, (before the Honorable A. Joe Fish, District Judge), defendant filed a pleading using the name Council on American-Islamic Relations ("CAIR") when in fact it appears that the actual group name is the Council on

1 American Islamic Relations Action Network.

2
3 16.

4 In a brief filed in that action titled, "AMICUS CURIAE BRIEF OF THE
5 COUNCIL ON AMERICAN-ISLAMIC RELATIONS IN SUPPORT OF THE
6 UNINDICTED CO-CONSPIRATORS' FIRST AND FIFTH AMENDMENT
7 RIGHTS", CAIR stated:

8 "NOW COMES, the Council on American-Islamic Relations
9 ("CAIR"), by and through its undersigned counsel, respectfully
10 submitting this Amicus Curiae brief in opposition to the public
11 issuance of the unindicted co-conspirator list and seeking the Court to
12 strike their name from the list, along with the names of all other
13 unindicted individuals and organizations, and take any other action
14 that it deems to be appropriate."
15

16 17.

17 The brief appears to be on behalf of the Washington D.C. based Council on
18 American Islamic Relations Action Network as the brief contains the following:

19 INTEREST OF THE AMICUS CURIAE

20 The Council on American-Islamic Relations ("CAIR") is America's
21 largest Islamic civil liberties group, with regional offices nationwide
22 and in Canada and national headquarters on Capital Hill in
23 Washington, D.C. CAIR is a nonprofit, grassroots civil rights and
24 advocacy group, which was established in 1994 ...
25

26 18.

27 As the Texas Corporation originally sued herein as Council on American
28

1 Islamic Relations was formed in 1998 and the Council on American Islamic
2 Relations Action Network out of Washington D.C. was formed in 1994, plaintiff
3 alleges that the confusion of names is part of a pattern and practice by defendant
4 and that such deception has been perpetrated on the United States District Court in
5 Texas.

6 19.

7
8 The deception is so pervasive that Attachment A to the government's trial
9 brief in the above action, listed the organization as the Council on Islamic
10 American Relations aka CAIR. This confusion was not corrected and in fact was
11 repeated in the documents prepared by "CAIR" in the public (PACER) file in that
12 action.

13 20.

14 The groups of organizations and individuals acted in conspiracy with and in
15 cooperation with each other, acting under the umbrella of "CAIR" are referred to
16 herein as "CAIR". Defendants named herein as Does 3-100 are defendants whose
17 true names and capacities are presently unknown. When the names and identities
18 of said Does are ascertained, this complaint will be amended to reflect the same.
19 These Doe defendants include persons and entities that have conspired with CAIR
20 to violate the rights of plaintiff as set forth herein.

21
22 **JURISDICTION**

23 21.

24 This lawsuit raises a federal issue arising out of federal statute (copyright
25 infringement and RICO violations). In addition, the CAIR group most directly
26 associated with the operation of the website that is at the core of the copyright
27 infringement case, is a Santa Clara based organization. The "CAIR" website
28

1 owned by this group lists this as the “San Francisco Bay Area” chapter of CAIR.
2 San Francisco and Santa Clara, California are within the jurisdiction of the United
3 States District Court, Northern District of California. Further, the CEO of the
4 Santa Clara based group is on the “national board” of the entity that identifies
5 itself as the Washington, D.C. based group. Finally, the founder of the
6 Washington DC based CAIR served on the Board of Directors of the Santa Clara
7 based CAIR in 1998, 2000, 2001 and perhaps in other years as well.
8

9 22.

10 Michael Savage broadcasts out of a studio and at a radio station located in
11 San Francisco, California.
12

13 **COPYRIGHT INFRINGEMENT**

14 23.

15 This lawsuit concerns the infringement of the copyright to the October 29,
16 2007 show wherein a dramatic, meaningful and powerful segment of the Savage
17 Nation was and continues to be expropriated by defendant, CAIR (as identified
18 herein). This expropriation is both a continuing act of copyright infringement as
19 well as a racketeering act as set forth herein but more fully in the Second Cause of
20 Action. The Second Cause of Action is incorporated herein by this reference.
21

22 24.

23 The segment misappropriated was in excess of four minutes. As set forth in
24 more detail herein, the misappropriated segment was used by CAIR for fund-
25 raising purposes and the segment was used in a manner designed to cause harm to
26 the value of the copyright material in the long and short term. This was the
27 desired result and it was part of a greater plan and scheme to destroy public voices
28

1 that express opposition to the criminal political agenda of CAIR as set forth more
2 fully in the Second Cause of Action. (The allegations of the Second Cause of
3 Action are incorporated herein by this reference.)

4 25.

5 CAIR is not a civil rights organization and it never has been.

6 26.

7 At all times relevant herein, CAIR was and is a political organization that
8 advocates a specific political agenda on behalf of foreign interests.
9

10 **COPYRIGHT INFRINGEMENT AS A TOOL TO ATTACK FREE**
11 **SPEECH, PROMOTE A TERRORIST AGENDA AND FOR OTHER “NON**
12 **FAIR USE” PURPOSES**

13 27.

14 CAIR has misappropriated copyright protected material from Michael
15 Savage and made this material available on its website. This is actionable
16 regardless even if CAIR had a genuine charitable purpose in using Michael
17 Savage’s material. However, even genuine charities must gain the permission of a
18 copyright holder before using the copyrighted work for fund raising or other
19 purposes.
20

21 28.

22 The CAIR misappropriation was done for political purposes unrelated to
23 civil rights and unrelated to CAIR’s tax exempt status.

24 29.

25 The copyright infringement was done to raise funds for CAIR so that it
26 could self perpetuate and continue to perform its role in the RICO conspiracy set
27 forth in Count Two and to disseminate of propaganda on behalf of foreign
28

1 interests that are opposed to the continued existence of the United States of
2 America as a free nation.

3
4 30.

5 CAIR repackaged the content of Michael Savage's show and manipulated
6 that stolen content so that it could be used by CAIR to raise funds. Little or none
7 of the money raised went to alleged "civil rights" activities.

8
9 31.

10 The CAIR repackaging damaged the work and damaged the public image of
11 the work because it was taken out of context, the introductory remarks were
12 omitted and the context of "The Savage Nation" were removed. It was
13 deliberately designed to obscure the specific message conveyed by Michael
14 Savage. The actual message while highly provocative and strongly worded, was
15 not intended as an attack on people of faith and in fact, Michael Savage is well
16 known as a person of faith.

17
18 32.

19 The stolen material as repackaged by CAIR was intended to portray both the
20 material and the creator of the material, Michael Savage as having a blanket
21 opposition to a particular religion. This was not the context of the statement and it
22 is not consistent with the content of the programming as a whole.

23 33.

24 In fact, Michael Savage has presented various views and various
25 perspectives. The purpose of his show (among other purposes) is to present
26 uncensored, genuine points of view that force listeners to both think and feel in
27 ways that normal polite discourse may not allow. The CAIR misappropriation
28

1 omitted this reality about the show and therefore failed to incorporate the context
2 of Michael Savage's many comments which include praise for the aspects of non-
3 violent Islam that create a high level of morality and family values.

4 34.

5 CAIR knew or should have known that it was misportraying the views of
6 Michael Savage as the following are just some of the positive positions taken by
7 Michael Savage with respect to people who use their religion to promote morality,
8 freedom and family values. As noted herein, Michael Savage makes no
9 distinction among religions in these comments. These comments include but are
10 not limited to the follows:
11

12
13 CALLER: Hi Dr Savage, thank you for taking my call. I'm a
14 Muslim, I'm originally from Turkey and I've been in this country
15 since 93. I've been listening to your show for the last 3 years, and
16 80% I support what you're saying, I believe in American values. My
17 religion is Islam, my question to you is can I be a Muslim and still
18 support American values in this country.
19

20
21 SAVAGE: Sure you can, absolutely. That's what I said all along.
22 Look, it's like saying can I be a Jew and still support American
23 values, can I be a Buddhist and still support American values, can I
24 be a Hindu can I be an Atheist, Yes that's what America is all about.
25 It's freedom of religion, and freedom to be non religious. That's what
26 makes the country great, it's freedom. So I don't understand where
27 the problem exists.
28

1
2 SAVAGE: In other words, everybody knows no matter what their
3 religion is, even an atheist knows it's not right to take a penny out of
4 another man's pocket that's not yours right?

5
6 CALLER: Right
7

8
9 SAVAGE: Ok, so you start with that basic knowledge, the basic rules of
10 living with people can be boiled down to do unto others as you would do
11 onto you, or do unto others as you would have them do to you. That's the
12 essence of every religion.

13 (Date of Show: 3/27/07)

14 *****

15 SAVAGE: There are areas of unity between the religions and I think we
16 need to strengthen those. We need to strengthen those areas of unity. Maybe
17 this IS a radio show that can help do that. Mohammed from Orlando,
18 welcome back to the program. Now, you heard the Rabbi from New York
19 and his views of Evolution and Creation you agree with?
20

21
22 CALLER: Yes, and that's what Islam is definitely all about. When I was
23 listening to his message or his ... he uh, uh, has a great way of articulating
24 the words that he was, uh, telling on this conversation. That, um, the way we
25 were created and everything else, that's exactly, I think, there's a lot of
26 similarities between all religions, Christianity, Judaism, and Islam.
27
28

1 SAVAGE: But yet, many Christians call the show and they don't believe
2 in Evolution. They believe only in Creation. Are there... um... Creationists
3 within the Muslim tradition as well who reject Evolution? I would think that
4 the educated Muslim understands that you can have science and religion co-
5 existing.

6
7 CALLER: Definitely. Without science, I don't think we actually can
8 basically survive. And the word, the first word that came out when
9 revelation came in upon the Prophet Mohammed, peace be upon him, is
10 "read," which is basically a way of telling human beings to take themselves
11 and educate themselves and go into areas of things like science and like I
12 said, that's the first thing that Muslims are encouraged to do is basically
13 educate themselves. So, I don't see there is a difference between... a lot of
14 people when they hear "Evolution," they take it to the extreme that we all
15 came out from apes or from another animal or some other beings, but that's
16 not how evolution is. So, evolution could be something that, um, basically,
17 where, where, um...

18
19
20 SAVAGE: Well, I had asked the Rabbi yesterday how do you explain the
21 previous, uh, pre-humans, for example. Let's call them that. The
22 Neanderthal, for example. How do you explain that? If God is perfect, why
23 would He create an imperfect man before creating a perfect man? And his
24 answer was very interesting. He said that God took a long time to arrive at
25 man to teach us how much time and effort it takes to create even one man in
26 order to show us how important life is and the divinity of mankind. I
27
28

1 thought that was beautiful, didn't you, Mohammed?

2
3 CALLER: Definitely and also, uh, in Islam, way before humans were
4 created, there was another creature that walked on the earth, and that's
5 another creature which we call the Djinns. And the Djinns actually, they
6 were living in Earth way before we came in and they did exactly the same
7 thing that we're doing right now. We're shedding blood all over the place.
8 And God, when he told the angels that he will create humans, the angels
9 replied to him that you will create a human just like you did with the Djinns.
10 And they will do exactly the same thing that the Djinns did. And He said, I
11 know that, but I know more than you will. So that's exactly the same way.
12 So there's a lot of creatures that...

13
14
15 SAVAGE: So in other words, we're still behaving like sub humans even
16 though we're humans.

17
18 CALLER: Exactly

19
20
21 SAVAGE: And we're not supposed to behave like that. We're supposed to
22 behave like the angels, but we're still behaving worse than the ape.

23
24 CALLER: Definitely.

25
26 SAVAGE: [Laughter] Mohammed, bless you. Alechem Salam. Thanks for
27 listening to The Savage Nation.
28

1 Date of Show: 11/29/06

2
3 35.

4 These misportrayals were done to deliberately increase the profit making
5 aspects of CAIR's misappropriation and to further the illegal purposes of the
6 organization. The misportrayals were done to silence people who oppose the
7 commission of acts of violence, murder or torture under the guise of religion. By
8 omitting Michael Savage's strong endorsement of all religions and all religious
9 practice that supports moral values, family values and freedom, CAIR destroyed
10 the value of the copyright material and the performance as a whole, at least to the
11 extent that people gave credence to the CAIR packaging of the content.
12

13 36.

14 To further promote their website, fund raising and the appearance of a
15 genuine human rights agenda, CAIR organized contacts with various advertisers
16 including Walmart, AutoZone, JC Penny and others whereby CAIR sought to
17 convince them not to advertise on The Michael Savage Show. Any success in this
18 area was due to the copyright infringement and the false context in which the
19 material was presented. CAIR caused some advertisers to pull advertising but they
20 also made false claims as to many other advertisers. These false claims were done
21 in part to intimidate other talk show hosts.
22

23 37.

24 In its actual context, the piece was directed toward violent terrorists who
25 mask their personal evil with a false religious aura. This included the "Hitler of
26 Iran" (Mahmoud Ahmadinejad). Michael Savage's show in its introduction
27 promises "psychological nudity". Savage's outrage and strong language
28

1 objecting to the murder of homosexuals and the mutilation and oppression of
2 women under the guise of religion makes much more sense than the CAIR
3 packaged spin that Savage who has repeatedly taken pro-faith views was somehow
4 against a particular religious group in its entirety.

5 38.

6 The audience of “The Savage Nation” expects this type of from the heart
7 outrage and when it is directed at a murderer such as Mahmoud Ahmadinejad and
8 his ilk, the piece is far more understandable and far more American mainstream.
9 While the strength of the outrage is remarkable and a hallmark of “The Savage
10 Nation”, the sentiment is shared by a huge number of Americans.

11 39.

12 The copyright material properly viewed is a scream of outrage on behalf of
13 the American public against beheadings, hangings of homosexuals, mutilation of
14 women, the torture of rape victims and the thought that CAIR and other groups are
15 trying to import these atrocities into American life.

16 40.

17 Just as all religions are free to practice in the United States, Michael Savage
18 is free to exercise his beliefs without having someone in the opposition steal his
19 property and convert it for their own use. The violation of the copyright and the
20 desecration of that copyright material is a violation of the freedoms of Michael
21 Savage to express his views.

22 41.

23 Michael Savage has analogized his statements on the radio to those made by
24 Winston Churchill when he warned of the rise of the Nazis. Michael Savage has
25 pointed out that all Germans were not Nazi’s and Churchill’s words if heeded
26
27
28

1 would have protected the German public as well as the rest of the world. To steal
2 his words and repackage them is to steal the intellectual and emotional property of
3 Michael Savage and those who support his positions.

4 42.

5 Michael Savage's right to speech is protected by both the First Amendment.
6 It is essence of freedom that voices can be raised strongly and without fear of
7 illegal retaliation. CAIR attempted to silence Michael Savage by stealing his
8 work, misrepresenting it and then seeking to have advertisers drop his show. This
9 is a violation of Michael Savage's rights to speech and to his religious beliefs.
10

11 43.

12 The conduct of CAIR (in addition to raising money) in violating the
13 copyright interests of Michael Savage was to gain media attention and control so
14 that CAIR would be seen as the "moderate" voice in the media. In fact CAIR is a
15 radical voice that deliberately attempts to be seen as centrist so that media time
16 goes to CAIR and once on the air, CAIR directs its rhetoric to the benefit of its
17 extremist clients. This is a deliberate tactic and the theft of the copyright material
18 was part of a pattern and practice advancing this tactic.
19

20 **CAIR TARGETS THE 1st AMENDMENT**

21 44.

22 The copyright infringement and the use of the copyright material is a RICO
23 predicate act and part of the broad conspiratorial purposes of CAIR. Michael
24 Savage is a long time opponent of CAIR and its interests. For example, on
25 February 21, 2006, CAIR National Legal Director Arsalan Iftikhar appeared on
26 MSNBC's Scarborough Country debating the Dubai side of the U.S. ports story.
27 Michael Savage was the leader of the public opposition to the purchase of major
28

1 U.S. ports by Dubai and Savage herein alleges that the misappropriation and
2 misuse of his content as set forth herein was done in part in retaliation for
3 Savage's opposition to overseas ownership of such a strategic asset.

4 45.

5 CAIR has consistently sought to silence opponents of violent terror, through
6 economic blackmail, frivolous but costly lawsuits, threats of lawsuits and abuses
7 of the legal system. In doing so, CAIR has used extortion, threats, abused the
8 court system, obtained money via interstate commerce under false and fraudulent
9 circumstances. These acts against speech and political action by Americans
10 include those items set forth in the paragraphs immediately following.

12 46.

13 The copyright infringement against Michael Savage and the attempt to
14 damage him economically is further part of an organized campaign to silence
15 opposition figures by causing them severe economic damage.

16 **ABUSIVE LAWSUITS AND ECONOMIC BLACKMAIL BY CAIR**

17 47.

18 CAIR filed a frivolous lawsuit filed against American Citizens who alerted
19 security when they observed six Muslim Imams boarding US Airways Flight 300
20 in Minneapolis, Minnesota on November 20, 2006. The Imams deliberately acted
21 as if they were terrorists in order to create an incident. The lawsuit by CAIR was
22 intended, among other things, to intimidate American citizens so that they would
23 be afraid to report terrorist activities when they observed them. To protect
24 Americans from such tactics, Congress passed legislation to protect reporting
25 citizens.
26
27
28

1 48.

2 CAIR launched a public act of misinformation against Dr. Laura
3 Schlessinger when she criticized the taking of school children to a Mosque to
4 learn morals. Such a field trip likely violated the separation of church and state
5 and Dr. Schlessinger's comments were protected by the First Amendment.
6 Despite this, CAIR sought to sanction Dr. Schlessinger for her comments.
7

8 49.

9 In August 2005, CAIR pressured ABC radio to terminate radio talk show
10 host Michael Graham for criticizing terrorism and Islam. The did this by making
11 threats of economic harm against ABC.

12 50.

13 Threatened legal action against Young America's Foundation to stop them
14 from allowing a speaker critical of CAIR address their group. There was no legal
15 basis for CAIR's position, it was a threat of economic extortion as YAF would be
16 forced to expend funds to defend the frivolous lawsuit.
17

18 51.

19 On March 31, 2004, CAIR sued Andrew Whitehead who operated the
20 website anti-CAIR.org.net. This lawsuit alleged that Whitehead's articles showing
21 CAIR's connection to Islamic terror were libelous. CAIR dropped the lawsuit
22 when discovery requests were filed by Whitehead's attorney and the website
23 continues to carry the same material.

24 52.

25 CAIR sued North Carolina congressman, Cass Ballenger who called CAIR
26 "the fund-raising arm for Hezbollah" and raised the possibility that it would try to
27 blow up the Capitol Building. CAIR responded with a \$2 million defamation suit.
28

1 This lawsuit was dismissed by U.S. District Judge Richard Leon. Apr. 11, 2006
2 update: A three-judge federal appeals court panel in Washington (made up of
3 David Sentelle, Judith Rogers, and Thomas Griffith) ruled unanimously to uphold
4 Judge Leon's March 2005 decision to dismiss CAIR's case. Arsalan Iftikhar,
5 CAIR's director of legal affairs, had described the purpose of the lawsuit as
6 follows:

7 "With this lawsuit, we are sending a clear message to all those who make
8 malicious and defamatory statements against American Muslims or their
9 institutions that they will be held accountable in a court of law.
10

11 53.

12 CAIR again targeted American students when the attacked Sara Townsley a
13 columnist with the Cornell Daily Sun a Cornell University student newspaper,
14 who wrote an article on Oct. 19, 2004 "A Vote for Kerry is a Vote for the Enemy,"
15 in which she stated that CAIR officials "have defended suicide bombers, funneled
16 money to Hamas, and at least five of its leaders have been deported, indicted, or
17 convicted on terrorism charges." CAIR responded that same day with an
18 accusatory letter ("Ms. Townsley uses regurgitated smears against CAIR from
19 right-wing websites and noted Islamophobes such as Daniel Pipes and Steven
20 Emerson") that also demanded the column's immediate removal, apologies for
21 "these vicious attacks," and permission for CAIR to submit an oped. The CAIR
22 letter also threatened that "If you elect to publish or distribute this confidential
23 letter to any person or entity in any form; suit will be filed forthwith." Andy
24 Guess, editor-in-chief of the Cornell Daily Sun, responded on Oct. 25 by denying
25 any infraction and offering CAIR just a letter-to-the-editor for its response. On
26 Oct. 26, CAIR responded that its "mentioning a possibly impending lawsuit is not
27
28

1 merely a hollow gesture on our part".

2 54.

3 The frivolous lawsuits, are direct attacks on the ability of ordinary
4 Americans to criticize defendants and their co-conspirators because ordinary
5 Americans are not financially capable of defending these lawsuits without
6 suffering severe financial harm. Such lawsuits are predatory, filed without a
7 serious expectation of winning, but undertaken as a means to bankrupt, distract,
8 intimidate, and demoralize defendants. Plaintiffs seek less to prevail in the
9 courtroom than to wear down researchers and analysts. Even when the latter win
10 cases, they pay heavily in time, money, and spirit. As counterterrorism specialist
11 Steven Emerson comments, "Legal action has become a mainstay of radical
12 Islamist organizations seeking to intimidate and silence their critics.
13

14 55.

15 The financial attacks on media personalities and student groups such as the
16 Cornell University newspaper and Young America's Foundation are meant to
17 intimidate Americans by using economic threats to violate the First Amendment
18 rights of Americans.
19

20 56.

21 As set forth herein, CAIR is not a civil rights organization but is instead a
22 political organization designed to advance a political agenda that is directly
23 opposed to the existence of a free society that includes respect and dignity for all
24 people and all religions.

25 57.

26 The copyright infringement herein is part of this plan. CAIR's fundamental
27 purpose is to be a lobbyist for foreign interests.
28

CAIR AND IT'S TERROR CONNECTIONS

58.

The Foreign Agents Registration Act requires registration as an agent of a foreign principal when an organization acts on the order, request, or under the direction or control of a foreign principal, or whose activities are directed by a foreign principal when that person engages in political activities for or in the interests of such foreign principal or acts in a public relations capacity for a foreign principal.

59.

CAIR would have to register as a foreign agent if their activities were not hidden under the false claim that they are a civil rights organization that enjoys tax exempt status. The lawsuit against Michael Savage is part of the subterfuge of CAIR acting to protect civil rights when in fact is goal is to defend and promote foreign organizations and their illegal activities.

60.

The allegations in the Second Cause of Action contain more detail regarding CAIR's involvement in the 9/11 terror attacks and other terrorist activities. As set forth herein, plaintiff gives an overview of why CAIR's copyright infringement was intended not as "fair use" but to serve the political purposes of foreign radical groups.

61.

The funding and expenditures of the CAIR groups are deliberately confused by the use of different names, interlocking directorships and other devices

1 designed to obscure the foreign domination of this group. Some of what is known
2 is set forth herein.

3 62.

4 In 2005, CAIR's Washington branch received a donation of \$ 1,366,466
5 from a Saudi Arabian named Adnan Bogary. This was a major portion of the
6 listed budget for that year. This funding from overseas is obtained in many
7 different ways some public and some hidden. The details of which shall be
8 established at trial.
9

10 63.

11 CAIR was tied to terror from the day it was formed. The group was
12 incorporated on or about 1994 by Omar Ahmad ("Ahmad") and Nihad Awad
13 ("Awad"). Both men were officers of an terror organization known as the "Islamic
14 Association for Palestine".

15 64.

16 Omar Ahmad was in fact, the President of the Islamic Association for
17 Palestine. This group was listed by the United States Attorney as an unindicted
18 co-conspirator in the case of U.S. v. Holy Land Foundation, CR NO. 3:04-CR-
19 240-G. In addition, the U.S. Treasury Department's Office of Foreign Assets
20 Control has designated this organization as supporting and/or engaging in terrorist
21 activity. Presently all financial transactions with this organization by residents of
22 the United States, or within the borders of the United States, are prohibited.
23 Federal agents locked down the Holy Land Foundation's headquarters in
24 Richardson, Texas, as well as its three other offices in Bridgeview, Illinois,
25 Patterson, New Jersey, and San Diego, California, securing their offices and taking
26 custody of relevant business records. This action is taken under the authority of
27
28

1 Executive Order 13224, signed by the President on September 23, 2001, which
2 authorizes aggressive actions against the bankers of international terrorism.

3 65.

4 The Washington based CAIR 990 return lists Omar Ahmad as their
5 “Chairman Emeritus”. Omar Ahmad is also listed on the CAIR website as being
6 the founder of CAIR and being on the national board of directors. He is further
7 listed as being from the San Francisco area, thereby connecting the Washington
8 D.C. group to the California group through interlocking relationships.
9

10 66.

11 CAIR’s parent group, IAP, was founded in or about 1982 by Musa Abu
12 Marzook ("Marzook"). Marzook was IAP's ideological leader and controlling
13 director from the date of its founding until shortly after his deportation from the
14 United States in 1997. At all times relevant, Marzook was an operative of, and/or
15 affiliated with, the "Harakat al-Muqawamah al-Islamiyyah," or "Hammas." Hamas is
16 an international terrorist organization. Hamas is organized into distinct wings, or
17 bureaus, that perform different functions, but operate as a seamless whole. It
18 includes a military wing, responsible for carrying out suicide bombings and other
19 terrorist attacks; a social wing, which operates much like a social welfare agency;
20 and a political wing, which sits above the military and social wings and is
21 responsible for setting policies and guidelines regarding Hamas’ activities. The
22 defendant Holy Land Foundation (HLF), sometimes called “the Fund,” was an
23 integral part of the Hamas social infrastructure. Not only did HLF operate to
24 support the Hamas agenda, but it was created for that very purpose.
25

26 67.

27 On January 24, 1995, pursuant to Executive Order 12947, the Department
28

1 of Treasury, Office of Foreign Assets Control, designated Hamas as a Specially
2 Designated Terrorist organization. This designation makes it illegal for any United
3 States person or entity to engage in any unlicensed transactions or dealings
4 involving the property or interests of Hamas. Hamas' designation as a Specially
5 Designated Terrorist organization has remained in place since January 24, 1995.
6 On October 8, 1997, the Secretary of State, pursuant to the laws of the United
7 States, designated Hamas as a "Foreign Terrorist Organization." As a result of this
8 designation, it became illegal for any person within the United States or subject to
9 its jurisdiction to provide material support or resources to Hamas. In 1998, the
10 director of the United States Federal Bureau of Investigation ("FBI")
11 counter-terrorism unit stated IAP was "a Hamas front.(that is) controlled by
12 Hamas, it brings Hamas leaders to the US, it does propaganda for Hamas."
13

14 68.

15 The government's actions regarding IAP is well earned by the group. For
16 example, during a youth session at IAP's third annual convention in Chicago in
17 November 1999, IAP President and CAIR founder, Omar Ahmad delivered a
18 speech praising suicide bombers. "Fighting for freedom," he said, "fighting for
19 Islam -- that is not suicide. They [the suicide bombers] kill themselves for Islam."
20 (cited in Jihad in America by Steven Emerson)
21

22 69.

23 Lisa Gardiner, a reporter at the Argus newspaper in Fremont, California
24 reported that Ahmad stated at a public event that she attended that "Islam isn't in
25 America, to be equal to any other faith, but to become dominant. The Koran, the
26 Muslim book of scripture, should be the highest authority in America, and Islam
27 the only accepted religion on Earth." Ahmad now denies making this statement.
28

70.

CAIR opened its first office in Washington, DC, with the help of a \$5,000 donation from the terror group, the Holy Land Foundation for Relief and Development (HLF). This group, like CAIR, is a self-described charity founded. It was founded by Hamas operative, Mousa Abu Marzook. In the government brief in U.S. v. Holy Land Foundation, Case No. 3:04-CR-240-G, United States District Court, Northern District of Texas, the United States alleges that "The leader of the Palestinian Committee in the United States at that time was unindicted co-conspirator Mousa Abu Marzook. Marzook is now – and has been since 1995 – a Specially Designated Terrorist and Hamas leader."

71.

At a 1994 meeting at Barry University, CAIR co-founder Nihad Awad stated that:

"I am a supporter of the Hamas movement."

Awad wrote in the Muslim World Monitor that the 1994 trial which had resulted in the conviction of four Islamic fundamentalist terrorists who had perpetrated the previous year's World Trade Center bombing was "a travesty of justice."

72.

Hamas is listed as a terrorist organization by Canada, the European Union, Israel, Japan, and the United States. Hamas is banned in the Muslim nation of Jordan, Australia and the United Kingdom

CALIFORNIA CAIR GROUP'S EXTREMIST TIES

73.

The website carrying the copyright infringing material is a Santa Clara based CAIR group. That group is sued herein under its actual name, which is the "Council on American Islamic Relations of Santa Clara" This group filed its 2005 Form 900 return under the name, "Council on American Islamic Relations, California." Various California based CAIR groups operate under names such as Council on American Islamic Relations, California. It is impossible without discovery to fully distinguish between them. They also cross fund each other.

74.

The Santa Clara based group lists two donations made by the Santa Clara group to Islamic Relief. Islamic Relief is an organization listed by the United States Attorney as an unindicted co-conspirator in the case of U.S. v. Holy Land Foundation, CR NO. 3:04-CR-240-G. This Santa Clara group also donated to CAIR's Washington group. In year 2000 the group identified itself as "Council on American Islamic Relations N. Cal" and in that IRS form 990 it indicated that it donated funds to the Holy Land Foundation which has been identified by the United States Attorney and the President of the United States as supporting Hamas. This was done at the same time that CAIR founder and Hamas affiliated Omar Ahmed, sat on the board of this chapter.

75.

CAIR's Los Angeles branch publishes a magazine called "In-Focus". While published in Los Angeles its board has included members of the national CAIR board of directors. Asthma Ahmad is the Managing Editor and Staff Writer for CAIR-California's monthly tabloid, In Focus.

1 76.

2 Under Ahmad's leadership, In Focus published an article lauding the
3 terrorist group Hezbollah and its leader Hassan Nasrallah. The piece read, "[I]t
4 was undoubtedly the epic heroism of the resistance fighters that dealt the
5 humiliating defeat to the Anglo-American-backed Zionist forces, but such heroism
6 would not have been possible without the larger-than-life leader to inspire, direct
7 and focus it. Nasrallah's leadership in war and later has made him into an
8 emblematic figure of long-cherished hope not only to a majority of the Lebanese
9 people but also to the Arab nation as a whole and indeed to the Muslim world...
10 The valour, selflessness and determination that made it possible for the resistance
11 he led to push back the Zionist military giant cannot be denied..." (Mulham Assir,
12 In Focus, 'Nasrallah – Leadership and Restraint,' October 2006)
13

14 77.

15 Under Ahmad's leadership, In Focus has published full page, color
16 advertisements for the terrorist group falsely claiming to be a charity, Islamic
17 Relief. (In Focus, June 2005 – Present) According to the Israeli government,
18 Islamic Relief is a Hamas front that has provided funds and assistance to Hamas.
19 (Chris McGreal, The Guardian, 'Israel accuses British-funded Islamic charity of
20 being front for terrorists,' May 31, 2006). In April of 2005, In Focus published a
21 full page ad for ICNA Relief, an Islamist "charity" that is the top donor to a
22 Pakistani group that gave \$99,000 to the head of Hamas, Khaled Mashaal, in
23 August of 2006. (Joe Kaufman, FrontPage Magazine, 'Helping Hand to Hamas,'
24 May 15, 2007)
25

26 78.

27 In March of 2006, In Focus published a full-page ad from the Citizen's
28

1 Committee for Equal Justice announcing an event to demand the release of
2 terrorist Sami Al-Arian. (In Focus, March 2006). Al-Arian, a former university
3 professor, was arrested by the United States government in 2003 on charges that
4 he funded and was the U.S. chief of operations of a terror group that was
5 responsible for hundreds of terrorist acts in Israel, resulting in over 100 deaths.
6 He was acquitted on eight of the 17 charges against him December 2005 after a six
7 month trial but other charges remained unresolved by the jury. On April 14, 2006
8 Al-Arian pleaded guilty to conspiracy to provide services to the Palestinian
9 Islamic Jihad and he agreed to be a prison sentence followed by deportation.
10

11 79.

12 In the October 2005 issue of In Focus, Ahmad lauded senior advisor to the
13 Muslim Public Affairs Council (MPAC), Maher Hathout, as a “prominent local
14 speaker.” (Asthma Ahmad, In Focus, ‘The Night Journey Remembered,’ October
15 2005) Hathout is a Hezbollah supporter that declared, in May of 2001, that the
16 United States is “under Israeli occupation.” (Zionist Organization of America,
17 ‘ZOA Shocked By Decision To Give LA Human Relations Award To
18 Pro-Hizballah, U.S. & Israel-Basher Maher Hathout,’ September 6, 2006).
19

20 80.

21 Featured on Ahmad’s Discover Islam site were downloadable lectures given
22 by Jamal Badawi and Ingrid Mattson. (Discover Islam, January 1, 2003 – October
23 21, 2004) Both Badawi and the organization Mattson is the President of, the
24 Islamic Society of North America (ISNA), were named as co-conspirators in the
25 trial against the Hamas charity, the Holy Land Foundation (HLF). (U.S. District
26 Court for the Northern District of Texas – Dallas Division, United States of
27 America vs. Holy Land Foundation.
28

1 81.

2 While Ahmad was Editor of the National MSA newsletter, MSA Link, an
3 article was published in it threatening violence. It read, "Some call it resistance.
4 Some call it terrorism. Others call it revolutionary violence and some describe it as
5 civil disobedience. We just call it 'Intifada'... They can suppress us, but we will
6 erupt again." (Idris Elbakri, MSA Link, Vol. 17, 'We are the Palestinian People,'
7 March 2002)
8

9 82.

10 In October of 2002, on behalf of CAIR-California, Ahmad advertised a fund
11 raising banquet featuring suspected co-conspirator of the 1993 World Trade
12 Center bombing, Siraj Wahhaj. The title of the event was 'A United and Secure
13 America: With Liberty and Justice for All.' (Asthma Ahmad, Dar ul Falah Forum,
14 'CAIR Annual Fundraiser,' October 6, 2002)
15

16 83.

17 The involvement of California based CAIR groups with terror ideology and
18 terror organizations can be further seen in the 2004 tax return of the Santa Clara
19 based CAIR group. This return shows that it donated to the Texas based group
20 located in Dallas as well as "Café Intifada". The group also stated that it invests
21 money with the North American Islamic Trust. The United States Attorney in the
22 case of U.S. v. Holy Land Foundation, CR NO. 3:04-CR-240-G has listed this
23 organization as an entity that is/was a member of the terrorist group, the U.S.
24 Muslim Brotherhood.
25

26 84.

27 The structure of these groups has an almost unfathomable complexity.
28 Faoud Khatib who is listed as the CEO of the Santa Clara based CAIR is also the

1 CEO of another CAIR related organization called CAIR California Title Holding
2 Corporation. This same person is listed on the CAIR website as being on the
3 national CAIR board of directors.

4 **CAIR LEADERSHIP'S RELATIONS WITH TERRORISTS AND THEIR**
5 **SUPPORT NETWORK**

6 85.

7
8 The involvement of CAIR's founders in illegal conduct was addressed on
9 February 2, 1995, when U.S. Attorney Mary Jo White named CAIR Advisory
10 Board member and New York Imam Siraj Wahhaj as one of the "unindicted
11 persons who may be alleged as co-conspirators" in Islamic Group leader Omar
12 Abdel Rahman's foiled plot to blow up numerous New York City monuments.

13 86.

14 On May 7, 1996, CAIR coordinated a press conference to protest the
15 decision of the U.S. government to extradite Marzook for his connection to
16 terrorist acts performed by Hamas. CAIR characterized the extradition as
17 "anti-Islamic" and "anti-American."
18

19 87.

20 Prior to 9/11, CAIR continued in its claim that it was a civil rights
21 organization. They made this claim when in October 1998, CAIR demanded the
22 removal of a Los Angeles billboard describing Osama bin Laden as "the sworn
23 enemy," asserting that this depiction "offensive to Muslims."
24

25 88.

26 Also in 1998, CAIR denied bin Laden's responsibility for the two al Qaeda
27 bombings of American embassies in Africa. CAIR's leader Ibrahim Hooper,
28 claimed the bombings resulted from "misunderstandings of both sides."

1 89.

2 In a July 1998 news article CAIR co-founder Omar Ahmad is quoted
3 speaking to a group of California Muslims expressing his hope of seeing an
4 America under the domination of Islam. In that article, Ahmad is quoted as saying,
5 Islam isn't in America to be equal to any other faith, but to become
6 dominant. The Koran ... should be the highest authority in America,
7 and Islam the only accepted religion on earth.
8

9 90.

10 On October 5, 2001, just weeks after 9/11, CAIR's New York office sent a
11 letter to The New York Times arguing that the paper had misidentified three of the
12 hijackers and suggesting that the attacks may have been committed by people who
13 were impersonating Arab Muslims.
14

15 91.

16 CAIR further exploited 9/11 as it put on its website a picture of the World
17 Trade Center in flames and below it a call for donations that was linked to the
18 Holy Land Foundation website.
19

20 92.

21 The HLF is the Holy Land Foundation. On December 4, 2001, the
22 Attorney General of the United States stated that "the Holy Land Foundation,
23 received much of its early money from Mousa Abu Marzuq, a top Hamas official
24 who, the U.S. courts have determined, was directly involved in terrorism."
25

26 93.

27 The use CAIR's website to misappropriate the spirit of 9/11 charity to raise
28 money for a terror organization is a pattern of conduct of CAIR that has been
repeated with the appropriation of Michael Savage's material for CAIR's own

1 purpose. While the outrage of diverting 9/11 charity is unmatched in its
2 callousness, the success of that enterprise may well have emboldened CAIR in its
3 present conduct.

4 94.

5 When the President of the United States closed the Holy Land Foundation in
6 December 2001 for collecting money "to support the Hamas terror organization,"
7 CAIR decried his action as "unjust" and "disturbing."
8

9 95.

10 On April 20, 2002, CAIR's director spoke at a rally in Washington D.C. He
11 spoke from a podium next to a Hezbollah flag.

12 96.

13 On December 29, 2004 Wagdy Ghoneim, an extremist Egyptian cleric
14 known for his advocacy in support of violence and hatred for Jews, decided to
15 voluntarily leave the country after being accused of immigration violation, CAIR's
16 director in California, Hussam Ayloush, told The Los Angeles Times that the case
17 demonstrated "the selective application of laws on Muslims." CAIR has never
18 publicly criticized the radical statements made by Ghoneim.
19

20 97.

21 In a July 7, 2004 interview with BBC, Gary Douglas Hooper, CAIR's
22 spokesman, defended Sheik Yusuf Qaradawi, a Qatar-based Muslim cleric known
23 for his support for terrorism, as "respectable," adding: "I don't think there's any
24 incitement of violence on his part." Qaradawi was an open supporter of Hamas,
25 Islamic Jihad and Hezbollah, as well as groups targeting U.S. forces in Iraq.
26 Qaradawi is barred from entering the U.S. because of his advocacy of violence.
27
28

1 98.

2 On April 13, 2005: Ghassan Elashi, a founding board member of CAIR's
3 Texas chapter, and two of his brothers, were found guilty of supporting terrorism
4 by funneling money to the leader of Hamas. They were convicted in a federal court
5 in Texas of handling and trying to conceal an investment by senior Hamas leader
6 Musa Abu Marzuq.

7 99.

8 In July 2004, Ghassan Elashi was convicted on separate charges of illegally
9 exporting goods to Syria and of money laundering. At that time, a representative
10 of CAIR's Dallas-Fort Worth chapter, Khalil Meek, argued that the only thing the
11 Elashis were guilty of was the "crime of being Muslims in America. Elashi is also
12 on the board of the Hamas supporting Holy Land Foundation.

13
14 **PHILADELPHIA MEETING OF HAMAS**

15 100.

16 In October 1993, less than one month after the public signing of the Oslo
17 Peace Accords which attempted to end the violence between the Israeli's and
18 Palestinians, approximately 20 members of the shadowy group sometimes called
19 the "Palestinian Committee" gathered together in Philadelphia, Pennsylvania to
20 discuss how best to proceed in light of the Oslo Accords. Ghassan Elashi was one
21 of the people present.

22 101.

23 Attendees at the Philadelphia meeting, were admonished not to mention
24 "Hamas," but rather to refer to it as "Samah," which is Hamas spelled backwards.
25 Attendees questioned how they could continue their quest to defeat the peace
26 process without being viewed as "terrorists." They discussed their concern that the
27
28

1 peace process would attract Palestinian support and further complicate their
2 ultimate goal of creating an Islamic state throughout Israel. They agreed that they
3 must operate under an ostensible banner of apolitical humanitarian exercise in
4 order to continue supporting Hamas' vital social recruitment effort.

5 **INTERNATIONAL FUNDING**

6 102.

7
8 CAIR receives significant international funding, for example, in 1999 the
9 Islamic Development Bank gave a 250,000 US dollar grant to CAIR to purchase
10 land for a national headquarters. In 2002, the World Association for Muslim
11 Youth (WAMY), a Saudi government-funded organization, financed distributing
12 books on Islam free of charge 2002 and an advertising campaign in American
13 publications. This included a quarter page in USA Today each Friday, for a year,
14 estimated to cost \$1.04 million. In 2003, Saudi Prince Alwaleed bin Talal donated
15 \$500,000 to distribute the Koran and other books about Islam in the United
16 States. In 2005, CAIR's Washington branch received a donation of \$ 1,366,466
17 from a Saudi Arabian named Adnan Bogary. In 2006, Sheikh Hamdan bin Rashid
18 Al Maktoum, Deputy Ruler of Dubai and UAE Minister of Finance and Industry,
19 financed the building of a property in the US to serve as an endowment for the
20 organization. This gift is thought to generate income of approximately 3 million
21 US dollars a year.

22 **MORE TIES TO TERRORISM**

23 103.

24
25 On June 6, 2006, the Ohio affiliate of the Council on American-Islamic
26 Relations (CAIR-OH) honored one of the unindicted conspirators in that 1993
27 World Trade Center bombing, **Siraj Wahhaj**. Wahhaj had also served as a
28

1 defense witness at the trial of one of the men convicted for that terrorist attack, the
2 “Blind Sheikh” Omar Abdel-Rahman (a conviction that CAIR has labeled “a
3 travesty of justice”). More than 400 CAIR-OH supporters gathered at this fund-
4 raising banquet.

5 104.

6 On August 7, 2006: Altaf Ali, executive director of CAIR-Florida,
7 published an opinion piece in the Sun-Sentinel, in which he compared Israel and
8 the U.S. government to Al Qaeda.
9

10 105.

11 On August 12, 2006: CAIR participated in and endorsed several rallies in
12 support of Hezbollah and the “resistance” fighting American forces in Iraq.
13

14 106.

15 In May 2007 CAIR was identified by the government as an unindicted
16 co-conspirator in a case involving a charity that was allegedly affiliated with
17 Hamas. Federal prosecutors in the case of the Holy Land Foundation listed CAIR
18 under the category: “Individuals/entities who are and/or were members of the US
19 Muslim Brotherhood’s Palestine Committee and/or its organizations.” The
20 government also listed Omar Ahmad, CAIR’s founder and chairman emeritus,
21 under the same category.
22

23 107.

24 In August 2-7, 2007 during the Holy Land Foundation trial in Texas, FBI
25 agent Lara Burns testified about evidence connecting CAIR and two of its
26 founders to the Holy Land Foundation as well as to the fundamentalist Muslim
27 Brotherhood movement that established Hamas in Gaza and the West Bank. The
28

1 agent identified CAIR executive director Nihad Awad as one of the scheduled
2 participants at a meeting of Hamas officials in a hotel in Philadelphia in 1993. At
3 the time, Awad was a representative of IAP. Burns also identified CAIR
4 co-founders Awad and Omar Ahmed as members of the Palestine Committee set
5 up by the Muslim Brotherhood.

6 108.

7
8 Attacks on other public figures have included an attack on Presidential
9 candidate, Rudy Guiliani for using the phrase “Islamic Terrorism” and for
10 accepting the endorsement of Pat Robertson whose endorsement of Guiliani
11 included a reference to the “bloodlust of Islamic terrorists”.

12 109.

13 CAIR also attacked Guiliani’s choice of Daniel Pipes as foreign policy
14 advisor. Pipes is the person who republished the Fremont Argus quotation from
15 CAIR’s cofounder that:

16 Islam isn't in America to be equal to any other faith, but to become
17 dominant. The Koran ... should be the highest authority in America,
18 and Islam the only accepted religion on earth.

19 110.

20
21 Based upon these facts and further facts to be produced at trial, plaintiff
22 alleges that CAIR is not a civil rights organization but instead is a political vehicle
23 of international terrorism and that the copyright infringement itself and the manner
24 in which the material was used, was part of a deliberate practice and pattern to do
25 material harm to those voices who speak against the violent agenda of CAIR’s
26 clients.

JURY TRIAL DEMAND

111.

Plaintiff hereby demands a jury trial in this matter as to each and every cause of action.

DAMAGES AS TO THE FIRST & SECOND CAUSES OF ACTION

112.

Michael Savage seeks actual, general and special damages according to proof as to each cause of action. Damages for the First Cause of Action for Copyright Infringement include but are not limited to actual Damages and Profits as described in 17 USC 504. Damages as to the Second Cause of Action include statutory damages, trebling of damages. As to each cause of action, plaintiff seeks costs and attorney's fees.

113.

Michael Savage does not presently elect but reserves (for the First Cause of Action), the right to elect statutory damages as set forth in 17 USC 504.

114.

Michael Savage further contends that the actions of defendants and each of them were wanton, wilful and malicious. Michael Savage contends that the actions of defendants were criminal. For these reasons and for the reasons set forth herein, Michael Savage is entitled to punitive and exemplary damages as to each cause of action.

115.

Michael Savage reserves the right to seek injunctive relief and other

1 remedies permitted by law.

3 **SECOND CAUSE OF ACTION**

4 **Racketeer Influenced and Corrupt Organizations (RICO) Act** 5 **(18 USC §§'s 1961-1968.)** 6

7
8 116.

9 Michael Savage realleges and incorporates herein, paragraphs 1-85 of the
10 complaint.

11 **JURISDICTION AND VENUE**

12 117.

13 In addition to the jurisdiction and venue previously alleged herein.
14 Jurisdiction arises under this cause of action pursuant to 28 U.S.C. §§1330(a),
15 1331 and 1332(a)(2) and 18 U.S.C. §2388. Jurisdiction also arises based on the
16 Named Defendants' violations within the meaning of 28 U.S.C. §§1605(a)(2),
17 (a)(5) and (a)(7) (the Foreign Sovereign Immunities Act), 28 U.S.C. §1350 ("Alien
18 Tort Act"), the Torture Victim Protection Act, PL 102-256, 106 Stat. 73 (reprinted
19 at 28 U.S.C.A. §1350 note (West 1993)), and 18 U.S.C. §2333. Plaintiffs allege
20 that both personal and federal question jurisdiction exists and arise pursuant to
21 these laws and statutes.
22

23 **RICO CONSPIRACY DESCRIBED**

24 118.

25 CAIR and its co-conspirators have aided, abetted, and materially sponsored
26 and al Qaeda and international terrorism. CAIR is an outgrowth of the Hamas
27 front group the Islamic Association of Palestine. The FBI's former associate
28

1 director in charge of Investigative and Counter-Intelligence Operations described
2 the Islamic Association of Palestine as an organization that has directly supported
3 Hamas military goals and is a front organization for Hamas that engages in
4 propaganda for Islamic militants. It has produced videotapes that are very hate
5 filled, full of vehement propaganda. It is an organization that has supported direct
6 confrontation.

7
8 119.

9 CAIR and its coconspirators have, since their inception, been part of the
10 criminal conspiracy of radical Islamic terrorism. These organizations play a unique
11 role in the terrorist network. They emanate from the notorious HAMAS terrorist
12 organization and like so many of the terrorism facilitating charities named and
13 indicted by the United States government they are engaged in fund raising under
14 the guise of assisting humanitarian causes they are, in reality, a key player in
15 international terrorism.

16
17 120.

18 The unique role played by CAIR and CAIR-Canada is to manipulate the
19 legal systems of the United States and Canada in a manner that allows them to
20 silence critics, analysts, commentators, media organizations, and government
21 officials by leveling false charges of discrimination, libel, slander and defamation.
22 In addition, both organizations have actively sought to hamper governmental anti-
23 terrorism efforts by direct propaganda activities aimed at police, first responders,
24 and intelligence agencies through so-called sensitivity training. Their goal is to
25 create as much self-doubt, hesitation, fear of name-calling, and litigation within
26 police departments and intelligence agencies as possible so as to render such
27 authorities ineffective in pursuing international and domestic terrorist entities.
28

121.

2 The role of CAIR and CAIR-Canada is to wage PSYOPS (psychological
3 warfare) and disinformation activities on behalf of Whabbi-based Islamic terrorists
4 throughout North America. They are the intellectual “shock troops” of Islamic
5 terrorism.

6 122.

7 In the years and months leading up to the terrorist attacks on September 11,
8 2001 these organizations provided a variety of services to terror groups in order to
9 interfere with law enforcement and intelligence officials in the performance of
10 their duties. They did this not to ensure civil rights as Americans understand the
11 term but “civil rights” in their interpretation which was and is the domination of
12 their group over the United States.

13 123.

14 In Estate of John P. O’Neill, Sr., et al. v. Al Baraka, et al. 04 CV 01923
15 (RCC) filed in United States District Court, Southern District of New York the
16 estate of head of security for the World Trade Center is suing CAIR among others
17 for being part of the RICO conspiracy leading to the terrorist attack of 9/11. The
18 allegations therein are contained in this pleading and as the outcome of that case
19 may influence the case at bar, this relationship is disclosed herein.

20 124.

21 As set forth more fully herein, the RICO predicate acts of this conspiracy
22 include but are not limited to the following:

23 **Conspiracy to commit murder** (in the United States, in the 9/11 Terrorist attacks
24 and against United States Citizens among others)

25 **Conspiracy to commit arson** (in the United States and in the 9/11 Terrorist
26
27
28

attacks)

Fraud with Identification Documents 18 U.S.C. § 1028

Mail Fraud 18 U.S.C. § 1341

Wire Fraud 18 U.S.C. § 1343

Financial Institution Fraud 18 U.S.C. §1344

Illegal transactions in monetary instruments 18 U.S.C. § 1956

Money laundering 18 U.S.C. § 1957

Defrauding the United States Government 18 U.S.C. § 371

Travel Act 18 U.S.C. § 1952

Filing false or materially false tax returns

26 U.S.C. § 7206(1),(2)

Engaging in a corrupt endeavor to impede and impair the due administration of the internal revenue laws 26 U.S.C. § 7212(a)

Providing material support of Terrorism 18 U.S.C. § 2332(b)(g)(5)(B); 18 U.S.C. § 2339A; 18 U.S.C. § 2339B; 18 U.S.C. § 2339C

Criminal Infringement of Copyright

18 U.S.C. 2319

In addition, plaintiff realleges those factual assertions set forth in the First Cause of Action.

125.

The conduct engaged in by CAIR that constitutes the RICO predicates includes but is not limited to:

Mid-1990s to 9/11/2001

CAIR conducted or participated, directly or indirectly, in the conduct of the Rico Enterprise's affairs and participated in the operation or management of the

1 operation of the Rico Enterprise itself. CAIR conspired to conduct or participate,
2 directly or indirectly, in the conduct of the Rico Enterprise's affairs and conspired
3 to participate in the operation or management of the operation of the Rico
4 Enterprise itself. Throughout this period, CAIR conspired to support terrorism
5 and to obfuscate the roles of the various participants and conspirators in Radical
6 Muslim Terrorism, and/or al Qaida and/or the International Islamic Front for the
7 Jihad Against Jews and Crusaders, which conspiracy culminated in the 9/11
8 Attack.

9
10 **Late 1990s to 9/11/2001**

11 CAIR conducted or participated, directly or indirectly, in the conduct of the
12 Rico Enterprise's affairs and participated in the operation or management of the
13 operation of the Rico Enterprise itself. CAIR conspired to conduct or participate,
14 directly or indirectly, in the conduct of the Rico Enterprise's affairs and conspired
15 to participate in the operation or management of the operation of the Rico
16 Enterprise itself. CAIR undertook the above named actions as part of a conspiracy
17 to commit murder and arson, in that they knew that the Rico Enterprise in which it
18 was participating, Radical Muslim Terrorism, and/or al Qaida and/or the
19 International Islamic Front for the Jihad Against Jews and Crusaders, planned to
20 and would commit an act of deadly aggression against the United States in the near
21 future, using the resources and support supplied by CAIR.

22
23 **Mid-1990s to 9/11/2001**

24 CAIR conducted or participated, directly or indirectly, in the conduct of the
25 Rico Enterprise's affairs and participated in the operation or management of the
26 operation of the Rico Enterprise itself. CAIR conspired to conduct or participate,
27 directly or indirectly, in the conduct of the Rico Enterprise's affairs and conspired
28

1 to participate in the operation or management of the operation of the Rico
2 Enterprise itself. CAIR agreed to form and associate with the Rico Enterprise and
3 agreed to commit more than two predicate acts, i.e., multiple acts of murder and
4 arson, in furtherance of a pattern of racketeering activity in connection with the
5 Rico Enterprise.

6 Plaintiff further realleges those matters set forth in the First Cause of
7 Action.
8

9 126.

10 The predicate acts form a pattern of racketeering in that they are repeated,
11 ongoing, continuous, and are a part of the Rico Enterprise's regular way of doing
12 business. Other of the defendants consistently, evenly constantly, laundered
13 money, filed false tax returns, and otherwise impeded and impaired the
14 administration of the tax laws as part of their scheme to conduit money to
15 terrorists, and yet obfuscate their support of Radical Muslim Terrorism and/or al
16 Qaida and/or the International Islamic Front for the Jihad Against Jews and
17 Crusaders.
18

19 127.

20 The predicate act relates to each other (horizontal relatedness) as part of a
21 common plan because each act of knowing and intentionally providing financial
22 services and money laundering and tax evasion allowed certain of the defendants,
23 specifically including CAIR, to surreptitiously provide funds to terrorist
24 organizations, including al Qaida, Radical Muslim Terrorism and/or the
25 International Islamic Front for the Jihad Against Jews and Crusaders, which
26 conspiracy culminated in the 9/11 Attacks and continued thereafter.
27
28

128.

2 This criminal enterprise has its origins in the defeat of the Soviets in
3 Afghanistan in the late 1980s, when Osama Bin Ladin (“Bin Ladin”) formed an
4 organization called “The Foundation” or “al Qaida.” Al Qaida was intended to
5 serve as a foundation upon which to build a global Islamic army. In February,
6 1998, a declaration was issued, following the holding of a terrorist summit,
7 announcing the formation of the International Islamic Front for the Jihad Against
8 Jews and Crusaders, the precursor of which was the Muslim Brotherhood and the
9 Islamic Jihad. The structure of the Rico Enterprise is an association in fact with
10 common and complex goals that consist of far more than the mere desire to
11 perpetrate the acts of racketeering outlined herein. Rather, the Rico Enterprise
12 utilizes acts of racketeering to further its overall common purposes of: (I)
13 spreading a particularly virulent brand of radical, conservative Islam; (ii)
14 eliminating Western influences in Islamic countries, including Western influences
15 that are perceived to keep in power repressive Saudi-American regimes that are
16 not true to Islam; and (iii) punishing Israel, and the United States for its perceived
17 support of Israel. Radical Muslim Terrorism, and/or al Qaida and/or the
18 International Islamic Front for the Jihad Against Jews and Crusaders, does not
19 feature a centralized hierarchy, because the lack of a centralized hierarchy is
20 essential to the Rico Enterprise’s clandestine nature and its success. Thus,
21 although al Qaida, for example, had its own membership roster and a structure of
22 “committees” to guide and oversee such functions as training terrorists, proposing
23 targets, financing operations, and issuing edicts, the committees were not a
24 hierarchical chain of command but were instead a means for coordinating
25 functions and providing material support to operations. CAIR fit neatly into this
26
27
28

1 framework by raising funds for and providing funding to an otherwise providing
2 material support for the members of the Rico Enterprise who engaged in the 9/11
3 Attack.

4 129.

5 The Rico Enterprise is a sophisticated global terrorist network which uses a
6 variety of business and financial transactions to further its operations. These
7 transactions include but are not limited to transferring funds between accounts to
8 purchase communications equipment, electronics equipment, and land (for use as
9 training camps and to store explosives and weapons). These transactions are
10 accomplished through, inter alia, the use of wire transfers and electronic
11 transmissions.
12

13 130.

14 On information and belief, at the time of the September 11th attack, the al
15 Qaida's annual income was approximately \$50 million and its assets over a
16 ten-year period ranged between \$300 and \$500 million dollars. The Rico
17 Enterprise relies upon a global network of banks and financial institutions,
18 including CAIR, and illegal activity to generate material support to continue its
19 terrorist operations.
20

21 131.

22 The pattern of racketeering activity conducted by CAIR is separate from the
23 existence of Radical Muslim Terrorism, and/or the Al Qaida, and/or the
24 International Islamic Front for the Jihad Against Jews and Crusaders, but was a
25 necessary component to the 9/11 Attack. The RICO enterprise conducts terrorism
26 all over the world; the racketeering activity conducted by CAIR funds that
27 activity, which activity culminated in the 9/11 Attack. The usual and daily
28

1 activities of the Rico Enterprise include recruitment, indoctrination, and the
2 provisioning and operation of training camps, all of which activities are funded by
3 the racketeering activities described herein.

4 132.

5 The Rico Enterprise benefits by spreading its ideology, by suppressing other
6 forms of Islam, and through the gratification of destroying its perceived enemies.

7 10. The Rico Enterprise, and the racketeering activities conducted by CAIR, relies
8 heavily on the American interstate system of commerce for banking, supplies,
9 communications, and virtually all its essential commercial functions, and in that
10 manner affects interstate commerce.
11

12 133.

13 The enterprise and the racketeering activities conducted, engaged in, and/or
14 transacted business within and in the United States and elsewhere, and utilized,
15 possessed, used, transferred, owned, leased, operated, and/or controlled assets in
16 the United States and elsewhere. Furthermore, activities and actions of the Rico
17 Enterprise affect interstate commerce as demonstrated by the 9/11 Attack itself,
18 which caused damage to the United States economy and property and businesses
19 situate therein. See *Rasul v. Bush*, 124 S. Ct. 2686, No. 03-334, 2004 U.S. LEXIS
20 4760, *8 (stating that the 9/11 Attack “severely damaged the United States
21 economy”).
22

23 134.

24 The history of the conspiracy behind Radical Muslim Terrorism, or the al
25 Qaida, or the International Islamic Front for the Jihad Against Jews and Crusaders
26 could, and has, filled many books, but for purposes of the present RICO
27 Statement, the following is offered. After being turned out of the Sudan in May
28

1 1996, al Qaida established itself in Afghanistan, and relied on well-placed
2 financial facilitators, including CAIR, who laundered funds from Islamic so-called
3 charities and corporations and raised money from witting and unwitting donors.

4 135.

5 They also relied heavily on certain imams at mosques who were willing to
6 divert the Zakat, the mandatory charitable contributions required of all Muslims.
7 Radical Muslim Terrorism, and/or al Qaida, and/or the International Islamic Front
8 for the Jihad Against Jews and Crusaders also collected money from employees of
9 corrupted charities.
10

11 136.

12 The money raised from these various sources, including CAIR, were used
13 by the Rico Enterprise to accomplish its goals, with the knowledge and awareness
14 of CAIR, of both those goals and the uses to which the Funds were put. The Funds
15 were used to organize and conduct a complex international terrorist operation
16 intended to inflict catastrophic harm on the United States.
17

18 137.

19 The Funds enabled the Rico Enterprise to identify, recruit, groom and train
20 leaders who were able to evaluate, approve and supervise the planning and
21 direction of the Rico Enterprise. The Funds also provided communications
22 sufficient system that gathered information on and formed assessments of the Rico
23 Enterprise's enemies' strengths and weaknesses.

24 138.

25 The Funds enabled the Rico Enterprise to establish a personnel system by
26 which, among other things, it recruited and trained persons to inflict the harm (the
27 "Operatives") and provided planning and direction to the Operatives.
28

139.

2 The funds thus raised were used to, among other things, operate terrorist
3 training camps in Afghanistan, where some recruits were trained in conventional
4 warfare but where the best and most zealous recruits received terrorist training.
5 The curriculum in the camps placed with great emphasis on ideological and
6 religious indoctrination. All trainees and other personnel were encouraged to
7 think creatively about ways to commit mass murder. The camps were able to
8 operate only because of the worldwide network of recruiters, travel facilitators,
9 and document forgers who vetted recruits and helped them get in and out of
10 Afghanistan. From the ranks of these recruits the nineteen perpetrators of the 9/11
11 Attack were selected. None of this would have been possible without the funds
12 supplied by participants and conspirators like CAIR.
13

140.

15 The RICO Enterprise would not have been successful without enthusiastic
16 participation of all of the conspirators, including CAIR. In order to identify
17 nineteen individuals willing, able and competent to carry out the 9/11 Attack,
18 Radical Muslim Terrorism, and/or the al Qaida, and/or the International Islamic
19 Front for the Jihad Against Jews and Crusaders needed to select from a vast pool
20 of recruits and trainees, which pool would not have been available to it without the
21 assistance provided by CAIR. CAIR, with knowledge and intent, agreed to the
22 overall objectives of the conspiracy, and agreed to commit at least two predicate
23 acts and all agreed to participate in the conspiracy, either expressly or impliedly.
24

141.

26 CAIR conducted or participated, directly or indirectly, in the conduct of the
27 RICO Enterprise's affairs and participated in the operation or management of the
28

1 operation of the RICO Enterprise itself. CAIR conspired to conduct or participate,
2 directly or indirectly, in the conduct of the RICO Enterprise's affairs and
3 conspired to participate in the operation or management of the operation of the
4 RICO Enterprise itself. CAIR also, with knowledge and intent, agreed to and did
5 aid and abet all of the above illegal activities, RICO predicate acts, and RICO
6 violations.

7
8 142.

9 Specific ties to terror groups and terror funding by CAIR include those
10 matters set forth in the First Cause of Action but pled with more specificity in this
11 RICO action they include the matters that following herein.

12 143.

13 The Council for American-Islamic Relations is a Muslim Brotherhood front
14 organization. It works in the United States as a lobby against radio, television and
15 print media journalists who dare to produce anything about Islam that is at
16 variance with their fundamental agenda.

17 144.

18 CAIR has links to both Hamas and the Muslim Brotherhood. Terrorism
19 expert, Steve Emerson has stated before Congress that CAIR is a front for Hamas.
20 CAIR was founded in 1994 as an offshoot of the Islamic Association for Palestine
21 ("IAP"). It was founded by two former leaders of the IAP, Hamas supporters,
22 Omar Ihmad and Nihad Amad.

23
24 145.

25 Additionally, a founding director AP is a front for the Palestinian terrorist
26 organization, Hamas.

146.

2 In 2002, Judge Gladys Kessler wrote that, “[t]here is evidence that at least
3 one of these organizations, Islamic Association for Palestine (“IAP”) has acted in
4 support of the HAMAS.” Holy Land Foundation for Relief & Development v.
5 Ashcroft, 219 F.Supp.2d 57, 70 (D.C. Dist. 2002).

147.

7 Also, founder Omar Ihmad was previously a key leader of the Palestinian
8 Muslim Brotherhood. CAIR was founded by donations from the Holy Land
9 Foundation (“HLF”), which is a Specially Designated Global Terrorist
10 Organization, World Assembly of Muslim Youth (“WAMY”), and International
11 Islamic Relief Organization (“IIRO”).
12

13
14 **ADDITIONAL INDIVIDUALS / ENTITIES INVOLVED WITH CAIR,**
15 **CRIME & TERROR**

148.

17 CAIR is funded in part, by terrorists. The International Institute of Islamic
18 Thought, an organization linked to the Muslim Brotherhood, donated money in
19 2003, according to its tax filings.
20

149.

22 Additionally, the **Saudi-based Islamic Development Bank** (“IDB”) gave
23 CAIR \$250,000 in August 1999. The IDB also manages funds for the Al-Quds
24 which finance suicide bombings against Israeli civilians by providing funds to the
25 families of Palestinian “martyrs.” CAIR has proven links to Islamic Terrorists.

150.

27 **Ghassin Elashi Elashi** was the founder of CAIR’s Texas chapter. He was
28

1 convicted in July 2004 of shipping computers to Libya and Syria, two designated
2 state sponsors of terrorism. In April 2005, he was also convicted of knowingly
3 doing business with Mousa Abu Marzook, a senior Hamas leader and Specially
4 Designated Terrorist.

5
6 151.

7 On July 27, 2004, he was indicted for providing material support to Hamas,
8 engaging in prohibited financial transactions with a Specially Designated Global
9 Terrorist, money laundering, conspiracy and filing false tax returns.

10 152.

11 In 1997, **Randall (Ismail) Royer** began working as CAIR's
12 "Communications Specialist" and continues to work there through October 2001.
13 He also served as "Civil Rights Coordinator." He was indicted on charges of
14 conspiring to help Al Qaida and the Taliban to battle American troops in
15 Afghanistan. On January 16, 2004, he plead guilty to lesser offenses and was
16 convicted of weapons and explosives charges in connection to a terrorist related
17 offense.

18
19 152.

20 As late as November 1, 2002, **Bassam Khafasi** served as CAIR's Director
21 of Community Relations. In January 2003, he was arrested and indicted in
22 January 2003 on bank fraud charges.⁶ In September 2003, Kahfagi pleaded guilty
23 to visa fraud and bank fraud, for passing bad checks for substantial amounts in
24 early 2001, and he was deported.

25 153.

26 Khafagi also served as founding member and President of the Islamic
27 Assembly of North America ("IANA"). IANA is under investigation un the U.S.
28

1 for money laundering and recruiting terrorists over the Internet. The FBI raided
2 their offices in February 2003.

3 154.

4 **Rabih Hadid aka Haddad** served as a CAIR fundraiser. Haddad was
5 co-founder of the Global Relief Foundation (“GRF”). GRF was designated by the
6 US Treasury Department for financing the Al Qaida and other terrorist
7 organizations and its assets were frozen by the US Government on December 14,
8 2001.¹⁰ On this same date, Haddad was taken into custody based upon terrorism
9 related charges. According to the Treasury Department, Haddad was a member of
10 Makhtab Al-Khidamat, the precursor to Al Qaida.

12 154.

13 In July 2003, Haddad was deported to Lebanon.¹² Mohammad Nimer
14 Nimer was the director of CAIR’s Research Center. He also served as a member
15 of the Board of Directors of the United Association for Studies and Research
16 (“UASR”). The UASR is the strategic arm of Hamas in the United States.

18 155.

19 **Imam Siraji Wahaj** is a member of CAIR’s Board of Advisors. Named in
20 1995 by U.S. Attorney Mary Jo White as a possible unindicted co-conspirator in
21 the World Trade Center bombing case. He serves as the spiritual leader of the
22 al-Taqwa Mosque in Brooklyn, and provided a forum for Sheik Omar Abdel
23 Rahman, who was convicted as the master-mind of the conspiracy. He is also the
24 Vice President of the Islamic Society of North America, a group which embraces
25 the elements of the Muslim Brotherhood. Holy Land Foundation and Global
26 Relief Foundation Both HLF and GRF were listed on the US Treasury Specially
27 Designated Global Terrorist list and their assets were frozen. Prior to this
28

1 designation, CAIR actually solicited money for these organizations.

2 **CAIR & ITS 9/11 FUNDS APPEAL**

3 156.

4 Immediately after the attacks on September 11, 2001, on the home page of
5 the CAIR website, it featured a section telling readers “what you can do for the
6 victims of the WTC and Pentagon attacks.” CAIR advised: “Donate through
7 Global Relief Foundation” and “Donate through the Holy Land Foundation,”
8 providing the links to the groups’ websites. Additionally, in December 2001, the
9 FBI raided several offices of the HLF, under the order of the President of the
10 United States, as suspects of the main North American fundraiser for Palestinian
11 Islamic terrorist organization Hamas. CAIR issued a public statement, along with
12 the Islamic Association for Palestine (“IAP”) and the Muslim Student Association
13 (“MSA”), denouncing the President’s order and insisting that these actions were
14 taken without any evidence.
15

16 **CAIR SUPPORTING VIOLENT EXTREMISTS**

17 157.

18 CAIR has consistently opposed the US Government action against
19 individuals suspected of involvement in terrorism: Sami Al-Arian CAIR
20 vehemently defended the alleged Palestinian Islamic Jihad mastermind Sami
21 Al-Arian and alleged that his arrest was based on “political considerations.”
22

23 158.

24 On February 20, 2003, a South Florida professor **Sami al-Arian** was
25 indicted for allegedly serving as North American leader of Palestinian Islamic
26 Jihad (“PIJ”), a government-designated terrorist organization that was labeled by
27 Attorney General John Ashcroft as “one of the most violent organizations in the
28

1 world,” and which is allegedly responsible for the deaths of two Americans and
2 over 100 Israelis. Despite Al-Arian’s documented history of extremism, CAIR
3 officials have consistently defended him since his arrest.

4 159.

5 **Fawaz Damra** Damra was convicted for concealing his involvement in
6 groups that advocated “violent terrorist attacks against Jews and others” on his
7 citizenship application. CAIR-Ohio’s Executive Director defended Damra as a
8 “great interfaith leader.” CAIR Spokesman Ibrahim Hooper stated, “we’re
9 concerned that all of his due process is maintained and evidence be free of
10 religious or ethnic stereotyping... We’re always concerned when prominent
11 leaders of the American Islamic community are charged, or detained, or harassed.”

13 160.

14 With respect to **Musa Abu Marzook**, CAIR has defended this Hamas
15 operative. On August 7, 1995, the Deputy US Attorney for the SDNY requested
16 the arrest and extradition to Israel of IAP founder Marzook (who was formerly the
17 chief and is currently deputy chief of the Hamas Political Bureau.) Marzook was
18 arrested at Kennedy airport. CAIR came out in support of Marzook by stating,
19 “[t]he arrest, detention and extradition is politically motivated...[and] this
20 campaign has been orchestrated to serve as a wedge between America and Islamic
21 countries.”

23 161.

24 In June 1996, CAIR signed an open letter to then Secretary of State Warren
25 Christopher that railed against “the injustice that has prevailed against Dr.
26 Marzook” and alleged that “our judicial system has been kidnaped by Israeli
27 interests.” The letter additionally stated, “Dr. Abu Marzook is a political leader; no
28

1 more, no less than any other political leader in the world.¹⁵ CAIR also labeled
2 Marzook's incarceration a hate crime in a 1996 report.¹⁶ Jamil Al-Amim CAIR
3 responded to the arrest and conviction of Jamil Al-Amim by praising him, by
4 raising funds for him and then denying his guilt after his conviction for the murder
5 of an Atlanta policeman.

6
7 162.

8 **Ghoneim** is a radical Egyptian cleric who has been videotaped calling for
9 suicide bombings at radical Islamic conferences. He has been denied entrance to
10 Canada after immigration officials determined he was a member of Hamas and the
11 Muslim Brotherhood.¹⁷ In May 1998, he led an audience in a song with lyrics,
12 "No to the Jews, descendants of the apes," at the CAIR co-sponsored rally at
13 Brooklyn college. After Ghoneim was arrested, CAIR's Southern California
14 Executive Director Hussam Ayloush defended him: "[t]he whole Muslim
15 community today is under a microscope of scrutiny. Committing a mistake that
16 would invite a slap on the wrist for anyone else could lead to prison or deportation
17 fro a Muslim."

18
19 163.

20 **Sheik Yusuf Al Qaradawi** is a leader of the Muslim Brotherhood, who has
21 issued fatwas calling for attacks on American forces and killing Jews and
22 mandating Jihad. In 2000, Qaradawi was banned from visiting the United States.
23 However, CAIR has repeatedly championed Qaradawi, for example, CAIR's legal
24 director Arsalan Iftikhar said: "if you look at Sheikh Yusuf Al-Qaradawi, the
25 ---one of the most famous Muslim scholars in Cairo, Egypt, he has said
26 unequivocally that people who commit suicide bombings and --- and acts of terror
27 are completely outside the bounds of Islam."

164.

2 The following are fatwas and pronouncements of Qaradawi: - Only July 13,
3 2004, on his weekly program on the Arab satellite channel Al-Jazeera Qaradawi
4 accused “the Jews” of permitting the spilling o f Arab blood and of being
5 oppressors, and he concluded by stating, “There is no dialogue between us except
6 by the sword and the rifle...”²⁰igned a statement calling for the support of the
7 terrorist “resistance” in Iraq to the American and Coalition forces.²¹ - In March
8 2002, Qaradawi issued a fatwa on the “liberation” of “Muslim lands” from
9 “disbelievers.”²² As the foregoing demonstrates, CAIR thereby knowingly has,
10 for a period of many years, provided critical financial and logistical support to al
11 Qaida, and/or Radical Muslim Terrorism, and/or the International Islamic Front
12 for the Jihad Against Jews and Crusaders, to support the terrorist organization’s
13 global jihad.

165.

16 The support of extremists includes the filing of the frivolous by threatening
17 lawsuit against United States citizens for reporting the deliberately threatening
18 actions of the six Muslim Imams boarding US Airways Flight 300 in
19 Minneapolis, Minnesota on November 20, 2006. This lawsuit was intended to
20 intimidate Americans and prevent them from reporting terrorist activities. The vast
21 amounts of overseas money (See paragraph 102 of this complaint) allows CAIR to
22 file these lawsuits with impunity while the ordinary citizens are forced to seek pro
23 bono counsel or face economic devastation. This is yet another example of CAIR’s
24 abuse of the privileges of a free society to further a terrorist agenda.

166.

27 The September 11th Attack and other terror activities are a direct, intended
28

1 and foreseeable product of CAIR's participation in the jihadist campaign for al
2 Qaida, and/or Radical Muslim Terrorism, and/or the International Islamic Front
3 for the Jihad Against Jews and Crusaders and other groups. The US Airways
4 Flight 300 lawsuit against citizens reporting suspicious activity demonstrates that
5 CAIR has not retreated from its goals even following the 9/11 terror attack.

6 167.

7
8 The attacks against public figures opposing violent activities of the CAIR
9 supported groups is part of this RICO conspiracy as set forth more fully in the
10 First Cause of Action.

11 168.

12 The self ordained title of "civil rights organization" and minor efforts to
13 mimic real civil rights organizations does not obscure the true purpose and long
14 term conduct of CAIR, its affiliated groups, its members and the members of the
15 conspiracy.

16 169.

17 Michael Savage is a target of this conspiracy. He is one target among many
18 Americans so targeted including Dr. Laura Schlessinger, radio talk show host
19 Michael Graham of WMAL-AM radio in Washington, D.C., Young America's
20 Foundation, Andrew Whitehead of Anti-Cair, North Carolina congressman, Cass
21 Ballenger, Sara Townsley a columnist with the Cornell Daily Sun, the brave
22 Americans who identified terrorist type activity on U.S. Airways flight 300,
23 Terrorism expert Steven Emerson, Daniel Pipes, Rudy Guiliani, Robert
24 Spencer, Representative Tom Tancredo and many others.

WHEREFORE, plaintiff seeks judgment as follows:

1. General damages according to proof;
2. Actual damages according to proof;
3. Special damages according to proof;
4. Attorney's Fees and costs;
5. All other damages allowed by statute;
6. Treble damages as to the Second Cause of Action.
7. Punitive and exemplary damages according to proof;
8. Such other and further relief including but not limited to injunctive relief as allowed by law.

Dated: December 23, 2007

Daniel Horowitz
Attorney for Michael Savage